

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 19, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAVID ELMO CURRY,

Defendant.

No. 1:21-CR-02053-SAB-1

**ORDER CONTINUING
PRETRIAL CONFERENCE,
TRIAL, AND EXTENDING
DEADLINES**

The Court held a Pretrial Conference in the above-mentioned matter on Wednesday January 18, 2023 in Yakima, Washington. The Government was represented by Michael Murphy. Defendant was represented by Craig Webster. Defendant appeared out of custody and by videoconference.

At the hearing, Defendant requested that the Court continue the pretrial conference and trial dates in this case to afford adequate time for pretrial work. Government did not object to the continuance request. The Court finds good cause to grant the motion. This order is intended to memorialize the Court's oral rulings.

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**ORDER CONTINUING PRETRIAL CONFERENCE, TRIAL, AND
EXTENDING DEADLINES # 1**

1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendant's oral Motion to Continue is **GRANTED**.

3 2. The current trial date of January 30, 2023, is **STRICKEN** and
4 **RESET** to **June 12, 2023**, at **9:00 a.m.**, commencing with a **final** pretrial
5 conference at **8:30 a.m.** The trial shall take place in **Yakima**, Washington.

6 3. The pretrial conference is **SET** to **April 26, 2023**, at **9:30 a.m.** in
7 **Yakima**, Washington. Counsel shall advise the Court regarding any dispositive
8 change in the status of this case **at least five (5) days prior to the pretrial**
9 **conference**. Any motion to continue the pretrial conference or trial shall be filed at
10 the earliest practicable opportunity, but no later than **seven (7) days prior to said**
11 **proceeding**. Movant shall provide (1) specific and detailed reasons for the
12 continuance to permit the Court to make the necessary findings; (2) if applicable,
13 the Defendant's signed Speedy Trial Waiver; (3) the position of opposing counsel;
14 and (4) the proposed new date. Continuances are not granted absent good cause.

15 4. All pretrial motions, including motions *in limine* and *Daubert*
16 motions, shall be filed and served on or before **May 12, 2023**, and noted for
17 hearing at the pretrial conference.

18 5. Trial briefs, proposed voir dire, jury instructions, verdict forms,
19 exhibit lists, expert witness lists, and summaries of expert testimony shall be filed
20 and served by all parties on or before **seven (7) calendar days prior to trial**. This
21 does not modify the parties' discovery obligations under Fed. R. Crim. P. 16.
22 Absent an agreement between the parties or an Order from the Court, the parties'
23 Fed. R. Crim. P. 16 discovery deadlines shall be governed by Local Criminal Rule
24 16.

25 6. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time between January 30,
26 2023, the current trial date, until June 12, 2023, the new trial date, is **DECLARED**
27 **EXCLUDABLE** for purposes of computing time under the Speedy Trial Act. The
28 Court finds that the ends of justice served by such a continuance outweigh the

ORDER CONTINUING PRETRIAL CONFERENCE, TRIAL, AND
EXTENDING DEADLINES # 2

1 public's and Defendant's interest in a speedy trial.

2 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
3 this Order and provide copies to counsel.

4 **DATED** this 19th day of January 2023.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

10 Stanley A. Bastian
11 Chief United States District Judge
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